

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAPE IBRAHIMA DIAGNE,

Petitioner,

Case No: 18-11793

Honorable Victoria A. Roberts

v.

SARAH HAMIDA DEMARTINO,

Respondent.

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ORDER:

- (1) TERMINATING WITHOUT PREJUDICE PETITIONER'S MOTION FOR ATTORNEY FEES [ECF No. 43];**
(2) HOLDING IN ABEYANCE RESPONDENT'S OBJECTION TO THE CLERK'S TAXED BILL OF COSTS [ECF No. 47]; AND
(3) DENYING PETITIONER'S MOTION FOR RECONSIDERATION OF THE CLERK'S TAXED BILL OF COSTS [ECF No. 57]

Judgment entered on October 1, 2018. Petitioner and Respondent filed cross appeals. Petitioner also filed a motion for attorney fees and a bill of costs.

On October 2, 2018, the Clerk of Court entered a Taxed Bill of Costs, awarding Petitioner some, but not all, of the costs requested. Respondent timely objected to the Taxed Bill of Costs. Petitioner filed a motion for reconsideration of the Taxed Bill of Costs on October 16, 2018.

On November 19, 2018, the Court held a hearing on Petitioner's motion for attorney fees, motion for reconsideration, and two substantive post-judgment motions. During the hearing, both parties agreed that the Court should delay decision on Petitioner's motion for attorney fees until the appeal is final.

Accordingly, the Court **HOLDS IN ABEYANCE** and **TERMINATES WITHOUT PREJUDICE** Petitioner's motion for attorney fees. The Court also **HOLDS IN ABEYANCE** Respondent's objection to the Taxed Bill of Costs.

Following the appeal, Petitioner may refile his motion for attorney fees; he may update it to request fees incurred on appeal that he believes are recoverable.

Petitioner's motion for reconsideration of the Taxed Bill of Costs is **DENIED**.

Objections to the Taxed Bill of Costs were due within seven days, but Petitioner did not file his motion until 14 days after it was entered. During the hearing, Petitioner admitted his challenge to the Taxed Bill of Costs was untimely.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 20, 2018